

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency

Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204

MINUTES OF January 12, 2009

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer William Cover called the meeting to order at 9:20 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

William Cover, R.Ph., President
Del T. Fanning, R.Ph., Vice President
Donna Wall, PharmD., R.Ph, Member
Sara St. Angelo, PharmD, R.Ph., Member
Winnie Landis, R.Ph., Member
Steve Anderson, R.Ph., Member
Lora Williams, Consumer Member

Board Members not in attendance:

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Ronnie Saunders, Case Manager, Indiana Professional Licensing Agency
Gordon White, Advisory Counsel

A motion was made and seconded to adopt the agenda including the elections and discussion on settlement conferences for all Walgreens matters previously set for this day and January 13, 2008 that were continued.

Fanning/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to adopt the December 2008 Minutes with revisions.

Landis/Fanning

Motion carried 7/0/0

Compliance Officers presented their reports.

Donna Wall attended meeting with PRN Pharmaceutical Services, LP's representatives.

Matthew Becker appeared before the board regarding a positive response on his pharmacy technician application. A motion was made and seconded to approve the certification.

Landis/Fanning

Motion carried 6/0/0

Judy Price did not appear before the board. A motion was made and seconded to deny the pharmacy technician application for Price.

Landis/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Jason Ashcraft
Gilbert Chavarria
Christopher Curry
Tracy Davis
Gregory Dodds
Charles Lindstrom
Joseph Mathys
Muataz Noffel
Jeremiah Strunc

Fanning/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Barbara Chew
James Dudek
Michael Long
Thomas MacLean
Elaine Mittelkamp
Ruth Ann Murr
Linda Rodeman

Williams/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Edward Hine
Robert Jaberg
Tony Jacobs
Harish Nair
Stephanie Voight
Daniel Weaver

Landis/Williams

Motion carried 6/0/0

A motion was made and seconded to approve the following probationary appearances:

Melanie Powell
Samuel Young

Anderson/Fanning

Motion carried 6/0/0

Alexandra Bilbrey, Traci Holling, Jennifer Rangel, and Donielle Shead failed to appear for their probationary appearance.

A motion was made and seconded to approve the following continuing education hours:

St. Joseph County Pharmacy Assoc	(1)
Jamie Lyberg	(0.5)
R. Brian Wolfe	(1)

Anderson/Fanning

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Traci Holling

License No. 26017269A

Administrative Cause No. 2007 IBP 0013

Re: Order to Show Cause

Parties and Counsel Present:

Participating Board Members:

Fanning
St. Angelo
Williams
Cover
Landis
Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

Carol Dunham

Case Summary:

The Board issued an Order to Show Cause due to Respondent's violations of her probationary terms.

Board Action:

A motion was made and seconded to issue a Notice of Proposed Default.

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to issue an emergency suspension of the Respondent's license for ninety (90) days.

Fanning/Landis

Motion carried 6/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Donnielle Shead

Certification No. 67008613A

Administrative Cause No. 2005 IBP 0036

Re: Order to Show Cause

Parties and Counsel Present:

None

Participating Board Members:

Fanning

St. Angelo
Williams
Cover
Landis
Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The Board issued an Order to Show Cause due to Respondent's violations of her probationary terms.

Board Action:

A motion was made and seconded to issue a Notice of Proposed Default.

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to issue an emergency suspension of the Respondent's license for ninety (90) days.

Fanning/Landis

Motion carried 6/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Shaun Ray

Certification No. 67011985A

Administrative Cause No. 2008 IBP 0018

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Landis
Cover
Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State seeks to extend the Respondent's summary suspension for additional ninety (90) days.

Board Action:

A motion was made and seconded to extend the Respondent's license for additional ninety (90) days.

Fanning/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana Pharmacist License of Larry Harter

License No. 26012910A

Administrative Cause No. 2008 IBP 0052

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Michelle Baldwin, Respondent's counsel

Participating Board Members:

Fanning

St. Angelo

Williams

Landis

Anderson

Cover recused himself.

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State seeks to extend the Respondent's summary suspension for additional ninety (90) days. Parties submitted Agreed Voluntary Indefinite Emergency Suspension.

Board Action:

A motion was made and seconded to accept the agreement of the parties.

Landis/St. Angelo

Motion carried 5/0/0

Donna Wall returned to meeting.

In the Matter of the Indiana Pharmacist License of Steven Zehring

License No. 26012990A

Administrative Cause No. 1997 IBP 0011

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, DAG

Steven Zehring, Respondent

Participating Board Members:

Fanning

St. Angelo

Williams

Landis

Cover was not present during hearing.

Witnesses for the Respondent:

None

Witnesses for the State:

Steven Zehring

Carol Dunham

Case Summary:

The State seeks to extend the Respondent's summary suspension for additional ninety (90) days.

Board Action:

A motion was made and seconded extend the summary suspension for an additional ninety (90) days.

St. Angelo/Williams

Motion carried 7/0/0

Representatives of PRN Pharmaceutical Services appeared before the Board regarding new automated medication system technology. A motion was made to and seconded to request board members visit the facility for tour and review.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of the Indiana Pharmacist License of Georgina Jones

License No. 26012450A

Administrative Cause No. 2008 IBP 0033

Re: Petition to Modify Probation

Parties and Counsel Present:

Mark Mader, DAG

Georgina Jones, Respondent

Participating Board Members:

St. Angelo

Williams

Cover

Landis

Wall

Fanning

Anderson

Witnesses for the Respondent:

Georgina Jones

Witnesses for the State:

None

Case Summary:

A petition to withdraw the probation of the Respondent's license was filed by the Respondent.

Board Action:

A motion was made and seconded to modify the probationary terms to remove the work restriction and require Respondent to follow the terms of the probationary license issued by Kentucky. Respondent shall provide notice to Indiana Board of any failure to meet the terms of her Kentucky probation.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Jennifer Watts

Certification No. 67009115A

Administrative Cause No. 2008 IBP 0013

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Cover
Landis
Wall
Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent's' license.

Board Action:

A motion was made and seconded to issue a notice of proposed default hold.

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to continue the summary suspension for an additional ninety (90) days.

St. Angelo/Landis

Motion carried 7/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Mark Allen

Certification No. 67003684A
Administrative Cause No. 2008 IBP 0043
Re: Default Hearing

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Cover
Landis
Wall

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Board issued a notice of proposed default following Respondent's failure to appear at his final hearing.

Board Action:

A motion was made and seconded to hold the Respondent in default.

Landis/Wall

Motion carried 7/0/0

A motion was made and seconded to revoke the Respondent's certification.

Landis/Wall

Motion carried 7/0/0

In the Matter of the Indiana Pharmacy Technician Certification of April Abbott

Certification No. 67008516A

Administrative Cause No. 2008 IBP 0045

Re: Default Hearing

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams

Cover

Landis

Wall

Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Board issued a notice of proposed default following Respondent's failure to appear at her final hearing.

Board Action:

A motion was made and seconded to hold Respondent in default.

Landis/Williams

Motion carried 7/0/0

A motion was made and seconded to revoke the Respondent's certification.

Landis/Wall

Motion carried 7/0/0

In the Matter of the Indiana Pharmacy Technician Certification of Kimberly Stokes

Certification No. 67010594A

Administrative Cause No. 2008 IBP 0019

Re: Default Hearing

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning

St. Angelo

Williams
Cover
Landis
Wall
Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Board issued a notice of proposed default following Respondent's failure to appear at her final hearing.

Board Action:

A motion was made and seconded to hold Respondent in default.

Landis/Williams

Motion carried 7/0/0

A motion was made and seconded to revoke the Respondent's certification.

Landis/Wall

Motion carried 7/0/0

In the Matter of the Indiana Pharmacist License of D. Neil Kassan

License No. 26018133A

Administrative Cause No. 2008 IBP 0050

Re: Default Hearing

Parties and Counsel Present:

Mark Mader, DAG

Participating Board Members:

Fanning
St. Angelo
Williams
Cover
Landis
Wall
Anderson

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Board issued a notice of proposed default following Respondent's failure to appear at her final hearing.

Board Action:

A motion was made and seconded to hold Respondent in default.

Landis/Williams

Motion carried 7/0/0

A motion was made and seconded to suspend the Respondent pharmacist's license for a minimum of two (2) years.

Landis/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the renewal of Jason Santiago's pharmacist license conditioned upon the passing of the MPJE.

Williams/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the pharmacy technician training program for Everest Institute.

Williams/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the following pharmacy technician applications:

Melissa Turner
Elizabeth Isaacs
Thomas Kennedy Jr
Terry Cadle
Grace Gray

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to approve waiver requests for the following:

Megan Visker
Danielle Albright
Ashley Moore
Brittany Moore
Kirsten Slack

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to table the waiver request for Ashley Bean and an employer recommendation letter was requested.

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to deny the following requests for extension of technician-in-training certifications:

Phillip Johns
Jonquil Jones
Jessica Lenig

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to table the approve Carol Prophet's request for extension of technician-in-training permit pending receipt of employer recommendation letter.

Fanning/Anderson

Motion carried 7/0/0

A motion was made and seconded to table the approve Joshua Egan's request for extension of technician-in-training permit.

Fanning/Anderson

Motion carried 7/0/0

A motion was made and seconded to table the pharmacy license application for Marwood Low Cost Pharmacy with a request for a personal appearance and a work schedule.

Landis/Fanning

Motion carried 7/0/0

A motion was made and seconded to table the approve the following non-resident pharmacy applications:

Humana Pharmacy Inc
LDI integrated pharmacy services

St. Angelo/Anderson

Motion carried 7/0/0

A motion was made and seconded to table the non-resident pharmacy license application for Aetna Rx Home Deliver, LLC requesting that the pharmacy's home state license be updated from expired and noting that Aetna must reapply as two (2) separate pharmacies as this is how the company is licensed in home state.

St. Angelo/Fanning

Motion carried 7/0/0

Board Director's Report

A motion was made and seconded to elect Del Fanning as Board President and Lora Williams as Board Vice President for 2009.

Anderson/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to set the following matters for a settlement conference on January 26, 2009 beginning at 1:00 p.m. assigning Board Member Donna Wall as the Administrative Law Judge for the conference:

Todd David Chappell, R.Ph., 2007 IBP 0035
Walgreen Co., Lic. No. 60004447A, 2007 IBP 0034
Frank Cockman, R.Ph., 2007 IBP 0037
Walgreen Co., Lic. No. 60004462A, 2007 IBP 0036
John Steven Miller, R.Ph., 2007 IBP 0039
Walgreen Co., Lic. No. 60004413A, 2007 IBP 0038
Troy Michael Martin, R. Ph., 2007 IBP 0047
Walgreen Co., Lic. No. 60004385A, 2007 IBP 0052
Steven Weileman, R. Ph., 2007 IBP 0053
Walgreen Co., Lic. No. 60004410A, 2007 IBP 0046
Curtis A. Stratman, R. Ph., 2007 IBP 0059
Walgreen Co., Lic. No. 60004083A, 2007 IBP 0058

Fanning/Anderson

Motion carried 7/0/0

A motion was made and seconded to issue an Order to Show Cause against James Sagstetter's probationary license for failing to submit addictionology report in a timely manner as was requested of the board.

Fanning/Anderson

Motion carried 7/0/0

The meeting adjourned at 4:30 p.m.

William Cover, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, February 9, 2009
Indiana Government Center South, Room W064